

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ALBERTO REYES,

Defendant.

10-CR-863 (AKH)

ORDER DENYING SENTENCE
REDUCTION MOTION

ALVIN K. HELLERSTEIN, District Judge:

On February 9, 2015, the defendant Alberto Reyes was sentenced principally to a term of imprisonment of 300 months for participating in a murder-for-hire and drug trafficking scheme in which two people were killed. 21 U.S.C. § 848(e); 18 U.S.C. § 1958. The defendant was responsible for delivering these two individuals to the hired hitman.

On December 4, 2023, the defendant filed a motion requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Amendment 821 permits district court judges to decrease the sentence of first-time offenders who meet nine criteria, including, among others, that the defendant did not use or threaten to use violence, and the offense did not result in death or serious bodily injury. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record and the defendant's submission on this motion and agrees with probation's report. The violent nature of this offense, which resulted in two deaths, renders him ineligible for a sentence reduction pursuant to Amendment 821.

It is hereby ORDERED that the defendant is ineligible for this reduction because his offense resulted in death, and this motion is denied. The Clerk is instructed to terminate the open motion at ECF No. 276.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Alvin K. Hellerstein', written over a horizontal line.

Alvin K. Hellerstein
United States District Judge

Dated: January 22, 2024
New York, New York